IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 32582 of 2006(D)

PETITIONER:

A.J.JOHN, ALUNKAL,
ANICKADU EAST, KOTTAYAM.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:

---

1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM.

*2. SHAJI KURUVILA,
SUSAMMA VILASAM
KUMARAPURAM
KOTTAYAM

ADDL. RESPONDENT NO.2 IS IMPLEADED AS PER ORDER DT. 7.3.07 IN I.A. 3344/07.

BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL
SMT.DAISY A.PHILIPOSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 32582/06

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE ORDER NO.G/14880/98/E DT. 3.1.00

EXT.P2. COPY OF THE APPLICATION FOR VARIATION OF PERMIT SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT DT. 7.2.00

EXT.P3. COPY OF THE PROCEEDINGS OF THE RESPONDENT DT. 28.1.02 ENDORSING VARIATION OF PERMIT

EXT.P4. COPY OF THE ORDER NO.C4/020165/2001/E DT. 28.1.02 OF THE RESPONDENT TO ISSUE THE SET OF TIMINGS TO THE PETITIONER'S VEHICLE

EXT.P5. COPY OF THE DECISION OF SISTER R.T.A., KANNUR DT. 27.5.04 TO GRANT CONCURRENCE FOR RENEWAL OF PERMIT

EXT.P6. COPY OF THE RENEWED PERMIT GRANTED BY THE RESPONDENT WHICH IS VALID TILL 3.1.10

EXT.P7. COPY OF THE NOTICE NO.C4/5845/2006/E DT. 9.10.06 ISSUED BY THE RESPONDENT

EXT.P8. COPY OF THE REPLY DT. 18.10.06 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT

RESPONDENT'S EXHIBITS:

EXT.R1(a). COPY OF THE VARIATION APPLICATION FILED BY THE PETITIONER

/TRUE COPY/
PA TO JUDGE.

ANTONY DOMINIC, J.

W.P.(C). NO. 32582 OF 2006

Dated this the 18th day of September, 2007

J U D G M E N T

Petitioner submits that he had submitted Ext.R1(a) application for variation of his permit which was granted by order dated 8.1.02. That was endorsed in the permission as per Ext.P3 and time was also fixed. In the meantime, on its expiry permit was subsequently renewed. Renewed permit is said to be valid till 3.1.2010. It is stated that while so, Ext.P7 notice was issued by the 1st respondent requesting the petitioner to operate the bus in the route indicated therein. It is submitted by the petitioner that by the said notice, the notice in the original permit was restored ignoring the variation that was granted by the RTA.

2. The main contention is that Ext.P7 was issued without giving notice to the petitioner. Since the route itself now stands modified, according to the petitioner, Ext.P7 affects his legal rights and should have been passed only with notice. Though counter affidavit has been filed by the respondents, the said complaint of the petitioner has not seen disputed. This contention is also not denied by the 2nd respondent.

3. In view of this, the writ petition is disposed of directing the 1st respondent to treat EXT.P1 as a notice, hear the petitioner as also the 2nd respondent and decide the matter after hearing both sides. I clarify that I have not considered the merits of the contentions raised by the petitioner and the 1st respondent will render a fresh decision adverting to the contentions of both sides. Orders as above shall be passed within a period of six weeks from the date of receipt of a copy of this judgment.

Petitioner shall produce a certified copy of this judgment along with a copy of the writ petition before respondent No.1 for compliance.

ANTONY DOMINIC, JUDGE

vps

K.R. UDAYABHANU, JUDGE

CRL.A. NOS.721/99 & 213/02

JUDGMENT

13TH SEPTEMBER, 2007

CRL.R.P.769/00

ORDER IN CRL.M.P. NO.4143/00 IN CRL.R.P.769/00

DISMISSED

13.9.07 SD/- **K.R. UDAYABHANU, JUDGE**

/TRUE COPY/

PA TO JUDGE.